

*PC. 220900*



**Comptroller General  
of the United States**

Washington, D.C. 20548

## **Decision**

**Matter of:** Chapman Smidt Hardware, Inc.--Request for  
Reconsideration

**File:** B-237888.2

**Date:** January 8, 1990

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### **DIGEST**

Request for reconsideration of prior dismissal of protest as untimely filed is denied where protester argues only that it lacked knowledge of General Accounting Office Bid Protest Regulations, since protesters are on constructive notice of the regulations as they are published in the Federal Register and Code of Federal Regulations.

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### **DECISION**

Chapman Smidt Hardware, Inc., requests reconsideration of our November 29, 1989, dismissal as untimely of its protest under invitation for bids No. 362/265, issued by the Department of Veterans Affairs (VA) for locks and master keys.

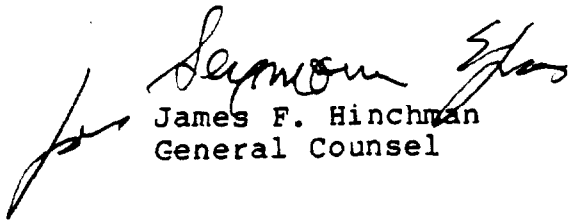
We deny the request for reconsideration.

On November 27, 1989, Chapman filed a protest with our Office challenging VA's determination to reject its bid. In its protest, Chapman stated that it had received a letter from the contracting agency rejecting its bid on October 30. Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1989), require that a protest such as Chapman's be filed within 10 working days of the date the protester knew or should have known of the basis for protest. Chapman knew as of October 30 that its bid was rejected and that the contract had been awarded to another firm. Accordingly, having been informed of its basis for protest, Chapman had 10 working days from October 30 to protest the rejection of its bid. Chapman did not file its protest with our Office until November 27, the 18th working day after it knew its basis for protest. Therefore, the protest was properly dismissed as untimely. See Rudd Constr. Inc., B-234936, Apr. 10, 1989, 89-1 CPD ¶ 367.

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Chapman argues that it did not file its protest with our Office earlier because, apparently lacking actual knowledge of how to file its protest in our Office, it was waiting for advice from the VA on how to file. However, a protester's lack of actual knowledge of our Bid Protest Regulations is not a defense to dismissal of its protest as untimely because prospective contractors are on constructive notice of our Regulations, since they are published in the Federal Register and Code of Federal Regulations. Id.

The request for reconsideration is denied.

  
James F. Hinchman  
General Counsel